



PLANNING COMMISSION AGENDA

Wednesday, November 15, 2006

6:30 p.m. Regular Meeting
Council Chambers
City Hall Wing

200 East Santa Clara Street
San Jose, California

Xavier Campos, Chair
James Zito, Vice-Chair

Dang T. Pham Bob Dhillon
Christopher Platten
Ash Kalra Matt Kamkar

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **Wednesday, November 15, 2006**. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the AV technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

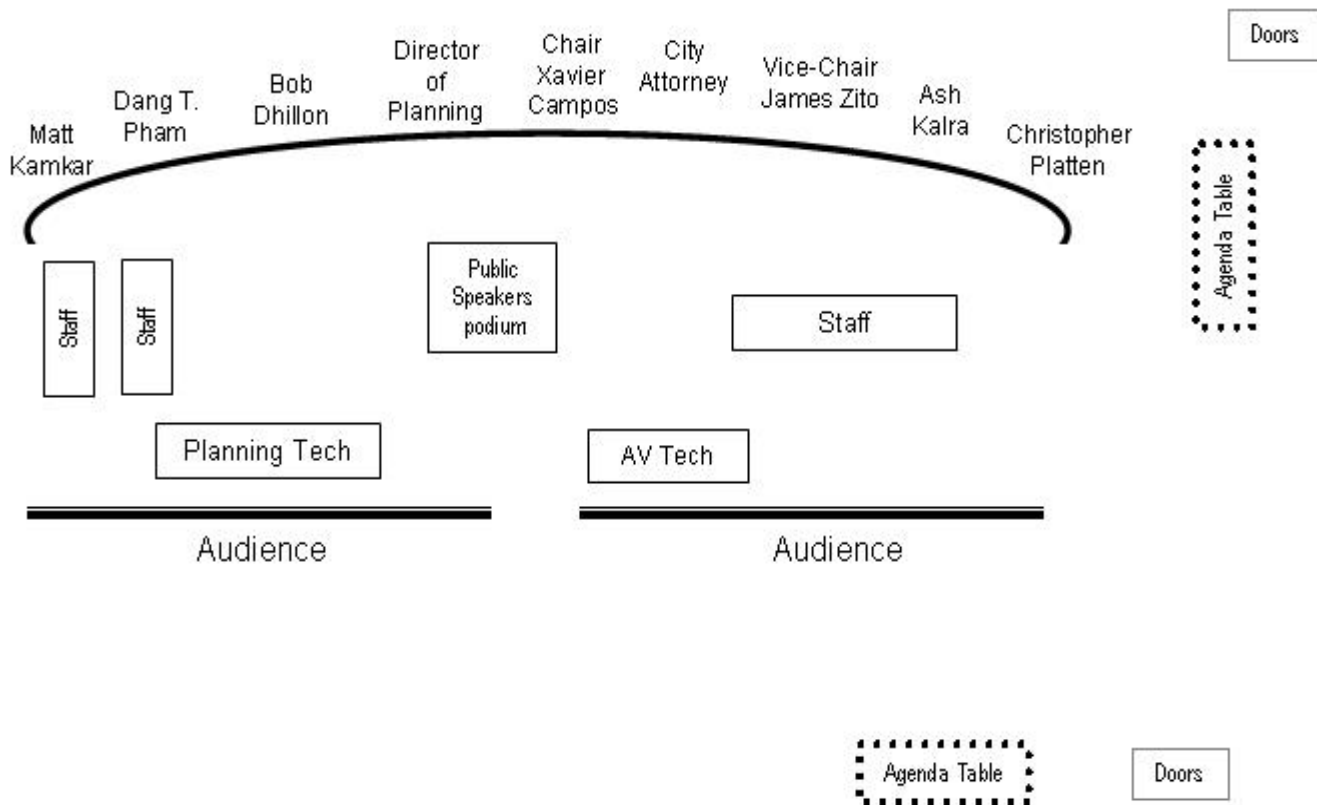
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. **PDC06-015**. Planned Development Rezoning from IP Industrial Park Zoning District to an A(PD) Planned Development Residential Zoning District to allow the construction of up to 60 single-family attached residences on an approximately 3.17 gross acre site located on the northeasterly side of Monterey Road approximately 100 feet southeasterly of Umbarger Road (2724 Monterey Road and 50 Umbarger Road) (Raman and Ruximaniben Patel; Christine Backhouse and Francis Gladding, Owners/Pinn Bros., Applicant). Council District 7. SNI: None. CEQA: Mitigated Negative Declaration.

WITHDRAWN

- b. **CP06-049**. Conditional Use Permit to allow the 24-hour-a-day operation of an indoor recreation use (24 Hour Fitness Center), the construction of new interior mezzanines within an existing tenant space and a shared parking arrangement for an existing shopping center on a 10.2 gross acre site in the CN - Commercial Neighborhood Zoning District located on the south side of Curtner Avenue, between Almaden Road and Almaden Expressway (Willow Glen Plaza) (2306 Almaden Road) (Kovalik Joseph W Trustee, Owner; 24 Hour Fitness Andras Dalos, Developer). Council District 6. SNI: None. CEQA: Exempt.

DEFER TO 11-29-06

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. [CP05-048](#). Conditional Use Permit to allow a new 1,300 square foot service station building, site improvements, and addition of three (3) new fuel dispensers at an existing gas station on a 0.4 gross acre site in the CP Pedestrian Commercial Zoning District, located at the Southeast corner of Camden Avenue and Bercaw Lane. (1948 CAMDEN AV)(Camden Smog and Gas Corp., Ngoa Tran, Owner). Council District 9. SNI: None. CEQA Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow a new 1,300 square foot service station building, site improvements, and addition of three (3) new fuel dispensers at an existing gas station as recommended by Staff.

- b. [CP06-027 and ABC06-012](#). Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages at an existing gasoline service station on a 0.50 gross acre site in the CG General Commercial Zoning District, located on the southwest corner of Cottle Road and Blossom Hill Road (102 POUGHKEEPSIE RD)(Clover Trust 1997-1, Satnam Petroleum Inc. Conoco Phillips, Owners). Council District 2. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages at an existing gasoline service station as recommended by Staff.

- c. [CP06-018](#). Conditional Use Permit to allow off-sale of alcoholic beverages at an existing gasoline service station on a 0.49 gross acre site in the CN Neighborhood Commercial Zoning District, located on the northwest corner of Blossom Hill Road and Poughkeepsie Road (161 BLOSSOM HILL RD)(Barbaccia Properties et al, Owner). Council District 2. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow off-sale of alcoholic beverages at an existing gasoline service station as recommended by Staff.

- d. [CP06-046](#). Conditional Use Permit to construct a 497 square foot addition to an existing rectory (house) for an existing church use on a 0.22 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on west side of North 21st Street, approximately 160 feet south of East Taylor Street (687 N 21ST ST)(Latin Amer Council Of Christian Churches, Owner). Council District 3. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to construct a 497 square foot addition to an existing rectory (house) for an existing church use as recommended by Staff.

- e. [CP05-057](#). Conditional Use Permit to (1) construct 1,440 square foot building for carwash use, (2) allow reconfiguration and facade changes for an existing building where existing service bays would be removed and replaced with approximately 1,647 square feet of retail, and (3) allow site improvements on a 0.633 gross acre site in the CN Neighborhood Commercial Zoning District, located on the northwest corner of South White Road and Aborn Road (3295 S White Road)(V. Singh & K. Baljinder, Owners). Council District 8. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow (1) construct 1,440 square foot building for carwash use, (2) allow reconfiguration and facade changes for an existing building as recommended by Staff.

- f. [CP06-051/ABC06-022](#). Conditional Use Permit and Liquor License Exception Permit to allow a drinking establishment and late night use until 2:00 a.m. on a 0.05 gross acre site in the DC Downtown Primary Commercial Zoning District located on the east side of South 1st Street opposite the easterly terminus of Post Street (Kathy and Tone Tran, Applicant). Council District 3. SNI: None. CEQA: Use of Downtown Strategy Plan Final EIR.

Staff Recommendation:

Approve a Conditional Use Permit and Liquor License Exception Permit to allow a drinking establishment and late night use as recommended by Staff.

- g. [PDC05-091](#). Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow a Residential Care Facility (Senior Assisted Living) with up to 98 units above an underground parking facility located on the southwest corner of Meridian Avenue and Curci Drive (993 MERIDIAN AV) (Merrill Gardens at Willow Glen LLC, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 10-25-06.

Staff Recommendation:

Consider the Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow a Residential Care Facility (Senior Assisted Living) with up to 98 units as recommended by Staff.

The following items are considered individually.

4. **PUBLIC HEARINGS**

- a. **An Ordinance amending Title 21** of the San Jose Municipal Code, the Zoning Code, to add a new section and amending section 21.06.030 of Chapter 21.06 of Title 21, all related to providing for an additional appeal to the City Council of certain environmental clearance determinations. CEQA: Not a Project. Deferred from 8-9-06, 8-23-06, 9-13-06, 9-27-06 and 10-11-06.

Staff Recommendation:

Recommend to the City Council approval of a proposed ordinance amending Title 21 of the San Jose Municipal Code as recommended by Staff.

- b. **An Ordinance amending Title 20** of the San Jose Municipal Code, the Zoning Code, to reduced parking requirements for specific ground floor commercial uses within the neighborhood business districts and to reduce parking requirements for mini-warehouse/mini-storage uses citywide. CEQA: Negative Declaration, PP06-172.

Staff Recommendation:

Recommend to the City Council approval of a proposed ordinance amending Title 20 of the San Jose Municipal Code as recommended by Staff.

- c. The projects being considered are located on the northeast corner of Jackson Road and McKee Road (2327 MCKEE RD) in the CG General Commercial Zoning District (Lo Shit-Fong L Trustee, Owner). Council District 5. SNI: None. CEQA: Exempt.

1. **CPA04-046-01**. Conditional Use Permit Renewal to allow off-sale of alcoholic beverages at an existing grocery store on a 9.5 gross acre site.

Staff Recommendation:

Approve a Conditional Use Permit Renewal to allow off-sale of alcoholic beverages at an existing grocery store as recommended by Staff.

2. **ABC06-018**. Liquor License Exception Permit for a Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages at an existing grocery store on a 9.5 gross acre site.

Staff Recommendation:

Approve a Liquor License Exception Permit for a Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages at an existing grocery store as recommended by Staff.

- d. **CP05-038**. Conditional Use Permit to allow an existing private club use operating without benefit of permits and to allow site improvements including an outdoor deck, parking lot, and lighting on a 0.54 gross acre site in the CO Office Commercial Zoning District, located on north side of Minnesota Avenue, approximately 350 feet westerly of Lincoln Avenue (1139 & 1143 MINNESOTA AV) (Alano Club West Of SJ and Stringfellow Properties, Owner). Council District 6. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow an existing private club use operating without benefit of permits and to allow site improvements as recommended by Staff.

- e. [PDC06-062](#). Planned Development Rezoning from R-1-5 Residence Zoning District to the A(PD) Planned Development Zoning District to allow up to 19 new single-family attached residential units and one existing single-family residence on a 1.83 gross acre site, located on the terminus of Duckett Way, approximately 420 feet east of South De Anza Boulevard (1566 Duckett Way) (P. Lenahan & M. Barshow, Owners; Barry Swenson Builder, Developer). Council District 1. SNI: None. CEQA: Mitigated Negative Declaration

Staff Recommendation:

Consider the Negative Declaration in accordance with CEQA. Recommend to the City Council denial of a Planned Development Rezoning from R-1-5 Residence Zoning District to the A(PD) Planned Development Zoning District to allow up to 19 new single-family attached residential units and one existing single-family residence as recommended by Staff.

- f. [CP02-008](#). Conditional Use Permit to allow the construction of an outdoor dining patio and storage building for an existing restaurant (Tomato Thyme) on a 0.4 gross acre site in the CN Neighborhood Commercial Zoning District, located on the south side of Hamilton Avenue approximately 320 feet easterly of Meridian Avenue (1560 HAMILTON AV) (John D. Smith, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Negative Declaration in accordance with CEQA. Deny a Conditional Use Permit to allow the construction of an outdoor dining patio and storage building for an existing restaurant as recommended by Staff.

- g. [SP02-006](#). Appeal of the Planning Director's decision to deny a Special Use Permit to legalize the addition of an unpermitted 200 square foot storage room, bathroom, and wet bar to an existing single-family detached garage on a 0.21 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the east side of McLaughlin Avenue approximately 250 feet south of Appian Lane (730 McLaughlin Ave.) (Maria Teresa Snyder, Owner). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Exempt.

Staff Recommendation:

Uphold the Director's decision to deny a Special Use Permit to legalize the addition of an unpermitted 200 square foot storage room, bathroom, and wet bar to an existing single-family detached garage as recommended by Staff.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

7. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
 - Coyote Valley Specific Plan (Platten)
 - Evergreen East Hills Vision Strategy Task Force (Zito)
 - Parks Funding Subcommittee (Zito)
- c. Review of synopsis

8. ADJOURNMENT

2006 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 11	6:30 p.m.	Regular Meeting	Council Chambers
January 25	6:30 p.m.	Regular Meeting	Council Chambers
February 8	CANCELLED	Regular Meeting	Council Chambers
Thurs. February 16	6:30 p.m.	Regular Meeting	Council Chambers
February 22	6:30 p.m.	Regular Meeting	Council Chambers
March 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
March 22	5:00-6:20 p.m.	<i>Study Session</i>	T-332
Discussion of additional parkland and open space for the City (<i>Joint session with Parks Commission</i>)			
March 22	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 12	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 26	6:30 p.m.	Regular Meeting	Council Chambers
May 3	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Review Capital Improvement Program</i>			
May 3	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 24	CANCELLED	<i>Study Session</i>	T-332
<i>Joint study session with Parks Commission</i>			
May 24	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 31	CANCELLED	Regular Meeting	Council Chambers
June 5	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
June 14	6:30 p.m.	Regular Meeting	Council Chambers
June 28	6:30 p.m.	Regular Meeting	Council Chambers
July 12	6:30 p.m.	Regular Meeting	Council Chambers
July 26	6:30 p.m.	Regular Meeting	Council Chambers
August 9	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Joint study session with Parks Commission</i>			
August 9	6:30 p.m.	Regular Meeting	Council Chambers
August 23	6:30 p.m.	Regular Meeting	Council Chambers
September 13	6:30 p.m.	Regular Meeting	Council Chambers
September 27	6:30 p.m.	Regular Meeting	Council Chambers
October 11	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
October 25	6:30 p.m.	Regular Meeting	Council Chambers
November 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
Mon. November 13	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
November 15	6:30 p.m.	Regular Meeting	Council Chambers
November 29	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
December 6	6:30 p.m.	Regular Meeting	Council Chambers